

which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That when a flock is a primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

(c) *U.S. H5/H7 Avian Influenza Clean*. This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza in meat-type waterfowl breeding flocks through routine surveillance of each participating breeding flock. A flock, and the hatching eggs and baby poultry produced from it, will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative to the H5/H7 subtypes of avian influenza as provided in §145.14(d) when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested and found to be negative at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds are tested within each 90-day period.

(2) It is a multiplier breeding flock in which a minimum of 30 birds have been tested negative to the H5/H7 subtypes of avian influenza as provided in §145.14(d) when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds are tested within each 180-day period.

(3) During each 90-day period, all spent fowl, up to a maximum of 30, must be tested serologically and found negative within 21 days prior to movement to slaughter.

§ 145.94 Terminology and classification; States.

(a) *U.S. Pullorum-Typhoid Clean State*.

(1) A State will be declared a U.S. Pullorum-Typhoid Clean State when it has been determined by the Service that:

(i) The State is in compliance with the provisions contained in §§145.23(b)(3)(i) through (vii), 145.33(b)(3)(i) through (vii), 145.43(b)(3)(i) through (vi), 145.53(b)(3)(i) through (vii), 145.73(b)(2)(i), 145.83(b)(2)(i), and 145.93(b)(3)(i) through (vii).

(ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months: *Provided*, That pullorum disease or fowl typhoid found within the preceding 24 months in waterfowl, exhibition poultry, and game bird breeding flocks will not prevent a State that is otherwise eligible from qualifying.

(2) Discontinuation of any of the conditions described in paragraph (a)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (a)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(b) [Reserved]

PART 146—NATIONAL POULTRY IMPROVEMENT PLAN FOR COMMERCIAL POULTRY

Subpart A—General Provisions

Sec.

- 146.1 Definitions.
- 146.2 Administration.
- 146.3 Participation.
- 146.4 General provisions for all participating flocks and slaughter plants.
- 146.5 Specific provisions for all participating flocks.
- 146.6 Specific provisions for participating slaughter plants.
- 146.7 Terminology and classification; general.
- 146.8 Terminology and classification; slaughter plants.
- 146.9 Terminology and classification; flocks, products, and States.
- 146.10 Supervision.
- 146.11 Inspections.
- 146.12 Debarment from participation.
- 146.13 Testing.
- 146.14 Diagnostic surveillance program for H5/H7 low pathogenic avian influenza.

Subpart B—Special Provisions for Commercial Table-Egg Layer Flocks

- 146.21 Definitions.
- 146.22 Participation.
- 146.23 Terminology and classification; flocks and products.
- 146.24 Terminology and classification; States.

Subpart C—Special Provisions for Meat-Type Chicken Slaughter Plants

- 146.31 Definitions.
- 146.32 Participation.
- 146.33 Terminology and classification; meat-type chicken slaughter plants.

Subpart D—Special Provisions for Meat-Type Turkey Slaughter Plants

- 146.41 Definitions.
- 146.42 Participation.
- 146.43 Terminology and classification; meat-type turkey slaughter plants.
- 146.44 Terminology and classification; States.

Subpart E—Special Provisions for Commercial Upland Game Birds, Commercial Waterfowl, Raised-for-Release Upland Game Birds, and Raised-for-Release Waterfowl

- 146.51 Definitions.
- 146.52 Participation.

- 146.53 Terminology and classification; slaughter plants and premises.

AUTHORITY: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 71 FR 56328, Sept. 26, 2006, unless otherwise noted.

Subpart A—General Provisions

§ 146.1 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Affiliated flock. A meat-type flock that is owned by or has an agreement to participate in the Plan with a slaughter plant and that participates in the Plan through that slaughter plant.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Authorized Agent. Any person designated under §146.10(a) to perform functions under this part.

Authorized laboratory. An authorized laboratory is a laboratory that meets the requirements of §147.51 and is thus qualified to perform the assays described in part 147 of this subchapter.

Classification. A designation earned by participation in a Plan program.

Commercial meat-type flock. All of the meat-type chickens, meat-type turkeys, commercial upland game birds, or commercial waterfowl on one farm. However, at the discretion of the Official State Agency, any group of poultry which is segregated from another group in a manner sufficient to prevent the transmission of H5/H7 LPAI and has been so segregated for a period of at least 21 days may be considered as a separate flock.

Commercial table-egg layer flock. All table-egg layers of common age or pullet source on one premises.

Commercial table-egg layer premises. A farm containing contiguous flocks of commercial table-egg layers under common ownership.